

REMARKS

Claims 1-9, 11-26, and 44 are pending in this application. Claim 1 is currently amended. Claims 10 and 27-43 were previously canceled without prejudice. Support for the amendment to claim 1 is found in the specification and claims as originally filed.

Reconsideration of the pending claims is respectfully requested in view of the following remarks.

Examiner Interview Summary

Applicant thanks the Examiner for the courtesy of a telephone interview on July 13, 2010, in which proposed amendments to claim 1 were discussed. The Examiner tentatively agreed that amended claim 1 presented herein would be allowable over the cited art of record, but said that Applicant needed to file an RCE as the claims were finally rejected and the Examiner needed to consider amended claim 1 further.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 5, 7-11, 13-16, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar et al. (U.S. Patent No. 4,786,446) in view of Poler (U.S. Patent No. 4,402,579), and evidenced by Sakurada (Publication: "Polyvinyl Alcohol Fibers," CRC Press; 1985). Applicant respectfully traverses.

Claim 1, as amended, recites a method of producing a plurality of soft contact lenses comprising:

- A. providing a sheet of solid, substantially dry material;
- B. forming said material into a plurality of shaped lens blanks through controlled application of physical force to the material by compression of the material between two forms or platens; and
- C. hydrating said plurality of shaped lens blanks;

wherein at least immediately subsequently to said physical forming step B, said plurality of shaped lens blanks remain at least partially attached to the sheet of material.

Initially, Applicant submits that there is no teaching, suggestion, or motivation for combining the teachings of Hammar and Poler.

Hammar discloses shaped hydrogel contact lenses, that is, “soft” contact lenses. Hammar discloses using a physical application of force to form soft contact lenses via a thermoforming process whereby soft polymer material is pressed in a mold to form a single lens. (*See* col. 6, lines 50-64).

Poler discloses lenses made of optical-quality glass or transparent plastic which is inert to body fluids, that is, “hard” contact lenses. The hard contact lenses of Poler have a thin haptic structure 11 surrounding the optical lens element 10, which are integral with each other and form the entire contact lens structure. The lens element 10 and haptic structure 11 are formed by etching a sheet of material. (*See* Figs. 1 and 10; col. 2, lines 35-43).

With respect to claim 1, the Examiner admitted that Hammar does not teach forming a plurality of blanks on a sheet, or that the blanks remain attached to the sheet subsequent to formation. The Examiner cited Poler for teaching the forming of a lens material into a plurality of shaped lens blanks through controlled application of physical force to the material, and that at least immediately subsequently to the physical forming step, the plurality of shaped lens blanks remain at least partially attached to the sheet of material. (Final Office Action, pp. 2-3).

In the Advisory Action, the Examiner asserted that Poler teaches accelerating ions towards the surface of the film, and that since ions are understood to have mass, this meets the limitation of a “controlled application of physical force to the material” recited in claim 1.

Nevertheless, Poler does not teach or suggest forming a material into “a plurality of shaped lens blanks through controlled application of physical force to the material *by compression of the material between two forms or platens*” as now recited in claim 1. Rather, the hard contact lenses in Poler are formed via an etching technique. The person of ordinary skill in the art would recognize that etching techniques are very different

from thermoforming processes that compress materials in molds to form an article such as a lens. Etching techniques would not work in forming soft contact lenses of the type disclosed in Hammar due to the lower mechanical strength of soft hydrogel materials.

Thus, the teachings of Poler related to making hard contact lenses with haptic structures by etching techniques are unsuitable for use in making the soft contact lenses of Hammar. As such, those skilled in the art would have no technological motivation to combine the teachings of Poler with those of Hammar.

Additionally, adding the teachings of Sakurada does not cure the deficiencies of Hammar and Poler.

Accordingly, claim 1 would not have been obvious over Hammar in view of Poler as evidenced by Sakurada.

Since claims 2, 5, 7-11, 13-16, 23, and 24 depend from claim 1 and thus include all the limitations of claim 1, these dependent claims would also not have been obvious over the cited references for at least the same reasons as claim 1.

Applicant therefore respectfully requests that the rejection of claims 1, 2, 5, 7-11, 13-16, 23, and 24 under 35 U.S.C. § 103(a) be withdrawn.

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Hassan et al. (Publication: *Water Solubility Characteristics of Poly(Vinyl Alcohol) and Gel Prepared By Freezing/Thawing Processes*, Water Soluble Polymers; Plenum Press, 1998). Applicant respectfully traverses.

Claims 3 and 4 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Hassan as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claims 3 and 4 would not have been obvious over Hammar and Poler in view of Hassan.

Applicant therefore respectfully requests that the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) be withdrawn.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Iwaseya et al. (Publication: *Effect of Degree of Saponification on Properties of Films Obtained from PVA/NaCl/H₂O*, J Mater Sci 41 (2006)). Applicant respectfully traverses.

Claim 6 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Iwaseya as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 6 would not have been obvious over Hammar and Poler in view of Iwaseya.

Applicant therefore respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Miller et al. (U.S. Patent No. 4,652,721). Applicant respectfully traverses.

Claim 12 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Miller as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 12 would not have been obvious over Hammar and Poler in view of Miller.

Applicant therefore respectfully requests that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of LeVa (U.S. Patent No. 5,166,528). Applicant respectfully traverses.

Claims 17 and 18 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of LeVa as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

Hence, claims 17 and 18 would not have been obvious over Hammar and Poler in view of LeVa.

Applicant therefore respectfully requests that the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) be withdrawn.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Voss et al. (U.S. Patent Application Pub. No. 2004/0112008). Applicant respectfully traverses.

Claim 19 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Voss as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 19 would not have been obvious over Hammar and Poler in view of Voss.

Applicant therefore respectfully requests that the rejection of claim 19 under 35 U.S.C. § 103(a) be withdrawn.

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler and Voss, and further in view of Jux (U.S. Patent No. 6,474,465). Applicant respectfully traverses.

Claims 20 and 21 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Voss and Jux as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

Thus, claims 20 and 21 would not have been obvious over Hammar in view of Poler and Voss, and further in view of Jux.

Applicant therefore respectfully requests that the rejection of claims 20 and 21 under 35 U.S.C. § 103(a) be withdrawn.

Claims 22 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Herbrechtsmeier et al. (U.S. Patent No. 6,113,817). Applicant respectfully traverses.

Claims 22 and 44 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Herbrechtsmeier as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claims 22 and 44 would not have been obvious over Hammar and Poler in view of Herbrechtsmeier.

Applicant therefore respectfully requests that the rejection of claims 22 and 44 under 35 U.S.C. § 103(a) be withdrawn.

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Biel et al. (U.S. Patent Application Pub. No. 2002/0163638). Applicant respectfully traverses.

Claims 25 and 26 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, claim 1 would not have been obvious over Hammar in view of Poler. Adding the teachings of Biel as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

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Title: MOULDING PROCESS

Hence, claims 25 and 26 would not have been obvious over Hammar and Poler in view of Biel.

Applicant therefore respectfully requests that the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) be withdrawn.

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CONCLUSION

Applicant respectfully submits that all of the pending claims are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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